IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTIION

Writ Petition No. 4427 of 2006

Keval Thakkar ..Petitioner

vs.

Nitin Hansraj Palan and ors. ..Respondents

**CORAM: S.C.DHARMADHIKARI J.**
**23rd NOVEMBER, 2007**

**P.C.**

1. The sale is already concluded in favour of the respondent no.8 pursuant to the order of sanction which is impugned in this petition. The order of sanction is dated 21st April, 2006. The petitioner was not serious about prosecuting this petition. Now third party rights are already created. The third party is in possession of the Trust property. Even otherwise, the only contention raised is that prior to entering into the MoU the Charity Commissioner should have been approached and his approval sought. That is not the mandate of section. The section contemplates prior permission/approval before sale. That is admittedly done. It is not a fit case for interference under Articles 226 and 227 of the Constitution of India. Petition is dismissed.

**(S.C.DHARMADHIKARI J.)**